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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,965	09/12/2003	Scott David Thomas	GP-303054	6314

7590 07/13/2006  
LAURA C. HARGITT  
General Motors Corporation  
Legal Staff, Mail Code 482-C23-B21  
P.O. Box 300  
Detroit, MI 48265-3000

EXAMINER

TO, TOAN C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/660,965	Applicant(s) THOMAS, SCOTT DAVID	
	Examiner Toan C. To	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5-02-2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 7-9, 11, 15, 16, 18 and 25-27 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-24 is/are allowed.
- 6) ☒ Claim(s) 1-4, 17, 19 and 20 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 10, 12-14, 21 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunkle et al (U.S. 6,454,300) in view of Tokita et al (U.S. 6,692,023).

Dunkle et al discloses an air bag assembly for use in a vehicle for impact restraint, the air bag assembly comprising: an air bag cushion (20) inflatable to first and second amounts of expansion and deployable in an interior space of the vehicle, wherein said second amount of expansion is greater than said first amount of expansion; at least one tether (30) having a first portion (portion of tether 30 which is adjacent to connection point 29); wherein said first portion is supported at a first location (29) at the cushion (20); and wherein said at least one tether is releasably restrained such that the cushion is inflatable to the first amount of expansion when said at least one tether is so restrained and the cushion is inflatable to the second amount of expansion after said at least one tether is released (the tether 30 is released as shown in figure 2b).

Dunkle et al discloses every element of the invention as discussed above except that the first portion of the tether includes a closed loop.

Tokita et al teaches the invention wherein the tether (20) having a first portion (18) which is a closed loop. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tether of Dunkle et al by providing a closed loop at the first portion of the tether as taught by Tokita et al in order to change the inflation angle of the airbag in a direction in which the excessive impact is not applied to the passenger.

As to claims 2-4, Dunkle et al discloses the airbag assembly wherein the at least one tether has a second portion (23); wherein the second portion is support at a second location (27) substantially opposing the first location (29); wherein the at least one tether is is releasably restrained between the first and second portions; wherein the second location is either at the cushion or at a support structure which secured the cushion (see column 5, lines 45-50).

As to claims 17, and 19-20, Dunkle et al discloses the airbag assembly further comprising a tether release mechanism (36) for releasably restraining the at least one tether; wherein the at least one tether includes a second loop (25) and the at least one tether is releasably restrained at the second loop (25).

***Allowable Subject Matter***

3. The indicated allowability of claims 2-4 are withdrawn in view of the references of to Dunkle et al and Tokita et al. Rejections based on the cited reference(s) are indicated above.

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4. Claims 5-6, 10, 12-14, 21, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 22-24 are allowed.

***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo  
July 5, 2006